RAJYA SABHA

Monday, the21 April, 2008/1 *Vaisakha,* 1930 (*Saka)*

The House met at eleven of the clock,
MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

*381. *[The questioner (Shri Rajniti Prasad) was absent. For answer *vide* page 20]

*382. *[The questioner (Shri Jai Parkash Aggarwal) was absent. For answer *vide* page 21]

Permanent benches of High Court in Orissa

*383. SHRI BHAGIRATHI MAJHI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has given any direction to the Orissa Government on establishment of permanent benches of High Court as per the recommendation of Jaswant Singh Commission constituted by the Central Government;

(b) if so, at which places these benches are being considered and by when; and

(c) whether, as per the merger agreement of Mayurbhanj with Orissa and Central Government, one of such bench is being planned at Baripada, the head quarter of Mayurbhanj district?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No, Sir. The Government had in 1987, brought to the notice of the State Governments, the recommendations of the Jaswant Singh Commission fixing norms for setting up of Benches of High Courts away from their principal seats.

(b) Does not arise.Z

(c) No proposal has been received from the State Government for setting up a Bench of High Court at Baripada.

श्री भागीरथी माझी : सर, मंत्री महोदय से यह जो उत्तर मिला हैं, इससे मैं सहमत नहीं हूं, क्योंकि एक तथ्य यह भी हैं कि मयूरभंज के संबंध में 17 अक्तूबर 1948 को राज्य और केन्द्र के बीच, उस समय के महाराजा प्रताप चंन्द्र भंज देव और श्री एम0के0 विलोडी,सेक्रेटरी ऑफ गवर्नमेंट ऑफ इंडिया, मिनिस्ट्री ऑफ स्टेट केन्द्र के बीच में जो मर्जर एग्रीमेंट हुआ हैं, उस में लिखा हैं कि मयूरभंज में एक स्पेशल हाईकोर्ट स्थापित हो जाएगा । मैं माननीय मंत्री जी से यह जानना चाहता हूं कि अभी तक ऐसा क्यों नहीं हुआ हैं ? केन्द्र ने वहां पर .....**..(व्यवधान)**.....

श्री सभापति: आप प्रश्न पूछिए ।

श्री भागीरथी माझी : सर्किट हाई कोर्ट खोलने के लिए अभी तक कोई डायेरेक्शन्स क्यों नहीं दिए हैं ।

SHRI H.R. BHARDWAJ: Sir, I would like to inform the hon. Member that in order to set up a bench of a High Court away from the principal seat, there has to be a recommendation from the Governor, the Chief Justice and thereafter the President issues notification to that effect. As a I have submitted, there is no proposal pending with us from the State Government after having consulted the constitutional authorities of the State. So, there is no question of the Central Government or the President issuing a notification. Once such recommendations are received from the Orissa Government, and after consultations with the Chief Justice of the High Court, we will take action.

श्री भागीरथी माझी : सर, इसमें राज्य की रिकमेंडेशन की जरूरत ही नहीं हैं। मर्जर एग्रीमेंट में जो लिखा हैं, उसके अनुसार केन्द्र को स्वयं ही सर्किट हाई कोर्ट एस्टेब्लिश करने के लिए निर्देश देना चाहिए। मयूरभंज में इसके लिए सफिशिएंट इन्फ्रास्ट्रक्च्र भी मौजूद हैं।

SHRI H.R. BHARDWAJ: Sir, this is not by way of agreement; it is the constitutional position that if there is a High Court and a sitting of the High Court has to take place at any place other than the High Court, the recommendation must come from the Chief Justice and Governor. After that the President issues the notification.

SHRI BIRENDRA PRASAD BAISHYA: Hon. Chairman Sir, as far as distance goes, most of the States of the North-east region are located at a distance of about 2500 kilometres from the national Capital, Delhi. Sir, these various States of North Eastern Region, namely, Assam, Meghalaya, Mizoram, Manipur, Nagaland are far away from Delhi. The communication network between Delhi and this North Eastern Region is yet to be developed. Frankly speaking, Sir, a lot is yet to be done. During floods, the entire region of Assam gets totally cut off from the mainstream of the country.

MR. CHAIRMAN: Would you please put the question?

SHRI BIRENDRA PRASAD BAISHYA: I am coming to the question. Sir, considering the distance, time factor as well as mode of communication, it becomes very difficult for any person to come to Delhi, to the Supreme Court to settle his legal problems. It is also important to note that these States of North Eastern Region have different problems, which need special attention from the Centre. Guwahati being headquarters and hub of North Eastern Region ...*(Interruptions)*...

MR. CHAIRMAN: Please put your question.

SHRI BIRENDRA PRASAD BAISHYA: Sir, I would like to know whether the Government, taking into account the above factors, is seriously considering setting up the Bench of hon. Supreme Court at Guwahati.

SHRI H.R. BHARDWAJ: Sir, the question does not relate to the setting up of a Bench of Supreme Court. But since North East is a sensitive area, I would like to give some information to the hon. Member with regard to solving the problem of the North Eastern Region. Sir, the North Eastern Region, these seven-sisters, were asked by me quite some time ago in 1987 or 1988 that they could, if they liked, have separate High Court of their own. As there was not much litigation in these tribal States, they agreed to take circuit courts. I have already established, in each small jurisdictional area, a separate circuit court of Guwahati High Court. As far as the question of Bench of the Supreme Court is concerned, that is a separate question, and, for that, the reply would be totally different than what is the scope of this question.

SHRI RAMACHANDRA KHUNTIA: Hon. Chairman, Sir, if not in Baripada, that is, Mayurbhanj District, whether the Orissa Government has given any proposal for setting up a Bench of the High Court at Sambalpur, Berhampur, Rourkela, Baleshwar, Bolangir or any other place in Orissa.

SHRI H.R. BHARDWAJ: Sir, in 1991, there was proposal for setting up a Bench at Berhampur and Sambalpur, or, in the alternative, at Bolangir in Orissa. But, after 1999, as per the provision of the Constitution, a broad recommendation of the Chief Justice and the State Government—which have not yet been received by us—is required, and, therefore, there is no question of Central Government following it up. There has to be a proposal from the State Government and the High Court concerned.

श्रीमती सुषमा स्वराज: सभापति जी, प्रिंसिपल सीट ऑफ जस्टिस के अलावा अन्य स्थानों पर परमानेंट बेंचेज़ बनाए जाएं, इस बात को लेकर कई प्रदेशों से बहुत दिनों से मांग उठती रही हैं । विधि मंत्री जी स्वंय दो वर्ष पहले तक मध्य प्रदेश से सांसद थे । उन्हें यह बात ज्ञात है कि भोपाल के वकील हर शनिवार को हड़ताल करते हैं और पिछले कई वर्षो से करते आ रहे हैं, केवल इस मांग को लेकर कि भोपाल में भी एक परमानेंट बेंच स्थापित होना चाहिए । मैं मंत्री महोदय से जानना चाहूंगी कि इस बात की जानकारी के कारण क्या उन्होंने स्वयं इस प्रस्ताव पर कोई विचार किया हैं ?

श्री हंसराज भारद्वाज : माननीय सभापति महोदय,इसमें कोई संशय नहीं हैं कि मैं 20 सालों से अधिक समय तक मध्य प्रदेश का एम0पी0 रहा हूं और मेरा कत्तर्व्य हैं कि उस स्टेट की सेवा करूं । मैंने बहुत प्रयत्न किये, बल्कि यहां तक कि जबलपुर के जो वकील थे, उन्होंने मुझे कभी जबलपुर में आने नहीं दिया, क्योंकि मैं भोपाल का समर्थक था । Bhopal is the capital, लेकिन मैंने पहले ही अर्ज किया हैं कि जहां कहीं भीं बेंच बननी होती हैं, वहां पर सबसे पहले राज्य सरकार उसके लिए कटिबद्व हो, उसके साथ ही उस स्टेट का चीफ जस्टिस एग्री करे तथा गवर्नर जब उसका रिकमेंडेशन करे तो वह हो । अभी तक ऐसा कोई प्रयोजन सबकी ओर से मिल कर नहीं आया कि हम जबलपुर,ग्वालियर और इंदौर के अतिरिक्त यह भोपाल में बनाएंगे । जब मध्य प्रदेश का स्टेट री-ऑर्गेनाइजेशन हुआ था, तब कुछ समझौते हुए थे कि हाईकोर्ट जबलपुर में रहेगी तथा कैपिटल भोपाल में रहेगा । इस कारण से .....(**व्यवधान**)....

श्री शरद यादव: भारद्वाज जी, आप अन्याय कर रहे हैं । आप ऐसा जुल्म क्यों कर रहे हैं ?

श्री सभापति: प्लीज

श्री हंसराज भारद्वाज:आप बाद में सवाल कर लें, मैं सुषमा जी के सवाल का जवाब दे दूं । सर, आप मेरे बहुत पुराने मित्र हैं, मैं चाहूंगा कि वह सवाल करें, लेकिन मैं सुषमा जी के सवाल का जवाब दे दूं । सर, कठिनाई यह हैं कि राज्य सरकारें जब तक पैसा खर्च नहीं करेंगी, यह नहीं हो पाएगा, क्योंकि हाईकोर्ट की बेंच बनाने में 200-300 करोड़ रूपया खर्च होता हैं । कई छोटी-मोटी कोटर्स बनानी पड़ती हैं, जजेज के बंगले बनाने होते हैं और वह राज्य सरकारें नहीं कर पा रही हैं । खाली केन्द्र के लेटर लिखने से बेंच नहीं बन जाती हैं और फिर कांस्टीट्यूशन के मुताबिक होई कोर्ट का जो चीफ जस्टिस होता है,he is the master of dockets. He must agree to it. Having regard to independence of judiciary, the Central Government cannot give directives to any Chief Justice to hold court here or there. These are problems. The State Governments must come forward. I am in full support of setting up of Benches to help the people. But the State Governments have to do it. For instance, in the South, there was a proposal for setting up a Bench in Madurai. The Government gave the infrastructure, and, within ten days, it was inaugurated in Madurai. The State Governments have to do it. They bear the expenses of the High Court. We have no difficulty in giving Benches provided the State Governments provide the infrastructure and satisfy the judiciary.

PROF. P.J. KURIEN: Sir, this is an important question.

MR. CHAIRMAN: I am afraid, it cannot be discussed. ...*(Interruptions)*...

PROF. P.J. KURIEN: Kindly allow a discussion. ...*(Interruptions)*...

MR. CHAIRMAN: That is a separate matter. ...*(Interruptions)*...

*384. *[The questioner (Shri Mahmood A. Madani) was were absent. For answer *vide* page 26]

*385. *[The questioner (Shri C. Ramachandraiah) absent. For answer *vide* page 27]

Rating of management institutions

*386. SHRIMATI SYEDA ANWARA TAIMURtt
SHRI VIJAY J. DARDA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether Government proposes to introduce rating for management institutions, similar to international standards such as ISO:9001. to encourage their swift movement towards achieving excellence; and

(b) if so, whether an independent Regulatory Authority for Higher Education would be constituted and entrusted with taking a holistic view, so that standards of our higher education, technical and management, could be further improved, to enable our students to compete successfully in the growing global market?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI D. PURANDESWARI): (a) No Sir. At present there is no such proposal under consideration.

(b) No Sir.

SHRIMATI SYEDA ANWARA TAIMUR: Sir, management study in India is one of the favourite subjects. Even students from abroad are opting for management course in India. But the management study in India is a distant dream for the poor students. So I would like to know from the hon. Minister what steps the Government have taken to provide management education to poor students.

SHRIMATI D. PURANDESWARI: Sir, this does not arise out of the main question. It does not pertain to the main question.

SHRIMATI SYEDA ANWARA TAIMUR: It is very expensive. The Government should take some steps, so that the management education also can be given to the poor students. With economic growth, demand for trained managerial manpower in all organisations—in social, economic and public service activities—is increased sharply. It is essential that our business schools and management institutions deliver quality education to meet the new challenges and the growing competition. I would like to know from the hon. Minister up to what extent today's management education really matches with the business practices.

SHRIMATI D. PURANDESWARI: Sir, as per section 3G of the AICTE Act, engineering, technology, architecture, town planning management, pharmacy, applied arts and crafts are all under the purview of the AICTE. The AICTE is empowered under the law to lay down • the norms and standards for the institutions which impart education in these fields to the

†† The question was actually asked on the floor of the House by Shrimati Syeda Anwara Taimur.